

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**Tammy Lockett, as Beneficiary and
Personal Representative of the Estate
Of Donald Raymond, Sr.,**

Plaintiff,

v.

**E.I. du Pont de Nemours and Company,
BASF Corporation, The Sherwin-Williams
Company, PPG Industries, Inc., Energy
Transfer (R&M), LLC, Ashland, LLC,
Univar Solutions USA, Inc., Union Oil
Company of California d/b/a Unocal,
individually as Successor-an-Interest
to American Mineral Spirits Company,
Shell Oil Company, Atlantic Richfield
Company and John Does 1-20,**

Defendants.

Civil Action No. 2:24-cv-05876

BASF CORPORATION’S ANSWER TO COMPLAINT

Defendant BASF Corporation (“BASF”) hereby assert this Answer and Affirmative Defenses to Plaintiff Tammy Lockett, as Beneficiary and Personal Representative of the Estate of Donald Raymond, Sr.’s (“Plaintiff”) Complaint.

ANSWER

Each numbered paragraph of this Answer constitutes the answer of BASF to the same number paragraphs of Plaintiff’s Complaint. Except as expressly admitted below, BASF specifically denies each and every allegation in the Complaint.

JURISDICTION AND VENUE¹

1. Admitted in part and denied in part. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF admits only that it is a corporation registered to business in Pennsylvania and denies the remaining allegations contained in this paragraph.

2. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies the allegations in this paragraph.

FACTS COMMON TO ALL COUNTS

3. Denied. Denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

4. Denied. Denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. To the extent this paragraph attempts to set forth allegations regarding BASF's products, BASF denies the allegations.

5. Denied. Denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. To the extent this paragraph attempts to set forth allegations regarding BASF's products, BASF denies the allegations.

¹ In this Answer, BASF uses the section headings included in the Complaint for convenience only, and specifically denies any and all allegations and inferences of wrongdoing that may be contained in those headings.

6. Denied. Denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. To the extent this paragraph attempts to set forth allegations regarding BASF's products, BASF denies the allegations.

7. Denied. Denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph. To the extent this paragraph attempts to set forth allegations regarding BASF's products, BASF denies the allegations.

8. Denied. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of whether Plaintiff contracted and was diagnosed with Lung Cancer, whether Plaintiff suffered multiple symptoms and side effects as a result of his alleged diagnosis and treatment, and whether Plaintiffs "did not know at the time of Mr. Raymond's diagnosis and prior to his death that exposure to the carcinogen-containing products were the cause of his cancer" and, therefore, denies these allegations. As to BASF, the remaining allegations are denied. BASF specifically denies that Plaintiff was exposed to "carcinogen-containing products" manufactured or supplied by BASF.

DEFENDANTS

9. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations.

10. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and,

therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies the allegations.

11. Admitted in part and denied in part. To the extent the allegations in this paragraph and all subparts are directed to defendants other than BASF, BASF is without knowledge or information as to the truth of these allegations and, therefore, denies these allegations. As to subpart (b) directed to BASF, it is admitted in part and denied in part. BASF admits only that it is a Delaware corporation with a principal place of business in Florham Park, New Jersey. The remaining allegations set forth in this paragraph, including all subparts, constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations.

COUNT—NEGLIGENCE & GROSS NEGLIGENCE

12. BASF repeats and incorporates by reference its answers above as if fully set forth herein.

13. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

14. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are

deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products and/or vapors” manufactured or supplied by BASF.

15. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products and/or vapors” manufactured or supplied by BASF.

16. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations.

17. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products and/or vapors” manufactured or supplied by BASF.

18. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, after reasonable investigation, BASF is without knowledge or information as to the truth of the allegations regarding the knowledge of Plaintiff and similarly situated persons regarding the nature and extent

of any alleged danger to their bodies and health and, therefore, denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products and/or vapors” manufactured or supplied by BASF.

19. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

20. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

21. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

22. Denied. To the extent this paragraph, and its subparts, contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the

allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph, including its subparts, constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations.

23. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of the allegations regarding Plaintiff's medical condition, and any associated treatments and, therefore, denies these allegations. As to BASF, the remaining allegations are denied.

24. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

25. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

26. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

Further, responding to the unnumbered paragraph beginning "Wherefore," BASF denies the allegations contained therein, and denies that Plaintiff is entitled to any relief requested.

COUNT II—BREACH OF IMPLIED WARRANTY

27. BASF repeats and incorporates by reference its answers above as if fully set forth herein.

28. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required, including the allegation that such warranty would be governed by the Pennsylvania Uniform Commercial Code. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

29. Denied. To the extent this paragraph, including its subparts, contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph, including its subparts, constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

30. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

31. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of the allegations regarding Plaintiff’s medical condition, and any associated treatments and, therefore, denies these allegations. As to BASF, the remaining allegations are denied.

32. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

33. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

34. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

Further, responding to the unnumbered paragraph beginning “Wherefore,” BASF denies the allegations contained therein, and denies that Plaintiff is entitled to any relief requested.

COUNT III—STRICT LIABILITY

35. BASF repeats and incorporates by reference its answers above as if fully set forth herein.

36. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that it placed into the stream of commerce the alleged carcinogen-containing products at issue in this litigation.

37. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

38. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

39. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

40. The allegations in this paragraph, including all subparagraphs, state legal conclusions to which no response is necessary. To the extent a response is required, the allegations against BASF in this paragraph, including all subparagraphs, are denied. To the extent the allegations in this paragraph are directed against other Defendants, the allegations are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

41. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of the allegations regarding Plaintiff's medical condition, and any associated treatments and, therefore, denies these allegations. As to BASF, the remaining allegations are denied.

42. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

43. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

44. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

Further, responding to the unnumbered paragraph beginning "Wherefore," BASF denies the allegations contained herein, and denies that Plaintiff is entitled to any relief requested.

COUNT IV—INTENTIONAL TORT--FRAUD

45. BASF repeats and incorporates by reference its answers above as if fully set forth herein.

46. Denied. To the extent this paragraph contains allegations directed to parties other

than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “benzene,” “hexavalent chromium” and/or “carcinogen-containing products” manufactured or supplied by BASF.

47. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

48. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

49. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was

exposed to “carcinogen-containing products” manufactured or supplied by BASF.

50. Denied. BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

51. Denied. BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

52. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. As to BASF, BASF neither denies nor admits the allegations contained in this paragraph as written, including on the grounds that “all times relevant to this case” is undefined and uncertain based on the allegations in the Complaint.

53. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

54. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

55. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

56. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

57. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

58. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

59. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

60. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

61. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

62. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

63. Denied. BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations.

64. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

65. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

66. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

67. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

68. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

69. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

70. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

71. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

72. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks

knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

73. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

74. Denied. BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to “hexavalent chromium” and/or “hexavalent chromium containing products” manufactured or supplied by BASF.

75. Denied. BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to “benzene-containing products” manufactured or supplied by BASF.

76. Denied. BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to “hexavalent chromium” and/or “hexavalent chromium containing products” manufactured or supplied by BASF.

77. Denied. BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to “benzene-containing products” manufactured or supplied by BASF.

78. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to carcinogen-containing products manufactured or supplied by BASF.

79. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to carcinogen-containing products manufactured or supplied by BASF.

80. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to “benzene” and/or “hexavalent chromium” in products manufactured or supplied by BASF.

81. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to “benzene” and/or “hexavalent chromium” in products manufactured or supplied by BASF.

82. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to benzene, hexavalent chromium and/or carcinogen-containing products manufactured or supplied by BASF.

83. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to “benzene” and/or “hexavalent chromium” in products manufactured or supplied by BASF.

84. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks

knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

85. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

86. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

87. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

88. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

89. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

90. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

91. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

92. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

93. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

94. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

95. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks

knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

96. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

97. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

98. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

99. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

100. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

101. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

102. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

103. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

104. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

105. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

106. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks

knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

107. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

108. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

109. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

110. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

111. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

112. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

113. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

114. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

115. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

116. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

117. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks

knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

118. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

119. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

120. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

121. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

122. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

123. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

124. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

125. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

126. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

127. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

128. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks

knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

129. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

130. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

131. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

132. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

133. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

134. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

135. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

136. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

137. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

138. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

139. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks

knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

140. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

141. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

142. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

143. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

144. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

145. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

146. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

147. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

148. Denied. The allegations in this paragraph are directed to a Defendant other than BASF. Further, the allegations in this paragraph are denied on the basis that BASF lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

149. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. As to BASF, BASF denies the allegations set forth in this paragraph. BASF specifically denies that Plaintiff was exposed to benzene-containing products manufactured or supplied by BASF.

150. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and,

therefore, denies the allegations. As to BASF, BASF denies the allegations set forth in this paragraph.

151. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations.

152. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations.

153. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations.

154. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations.

155. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

156. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to “carcinogen-containing products” manufactured or supplied by BASF.

157. Denied. To the extent this paragraph contains allegations directed to parties other than BASF, BASF is without knowledge or information as to the truth of the allegations and, therefore, denies the allegations. The remaining allegations set forth in this paragraph constitute conclusions of law to which no response is required. Further, to the extent the allegations are deemed factual, BASF denies these allegations. BASF specifically denies that Plaintiff was exposed to carcinogen-containing products manufactured or supplied by BASF.

158. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of the allegations regarding Plaintiff’s medical condition, and any associated treatments and, therefore, denies these allegations. As to BASF, the remaining allegations are denied.

159. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

160. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

161. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations. As to BASF, the remaining allegations are denied.

Further, responding to the unnumbered paragraph beginning “Wherefore,” BASF denies the allegations contained herein, and denies that Plaintiff is entitled to any relief requested.

COUNT V—WRONGFUL DEATH

162. BASF repeats and incorporates by reference its answers above as if fully set forth herein.

163. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

164. Denied. BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

165. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

166. Denied. BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

167. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF is without knowledge or information as to the truth of these allegation and, therefore, denies the allegations.

168. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is necessary, BASF denies the allegations.

COUNT VI—SURVIVAL ACT

169. BASF repeats and incorporates by reference its answers above as if fully set forth herein.

170. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is required, BASF denies the allegations in this paragraph.

171. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is required, BASF denies the allegations in this paragraph.

172. Denied. The allegations set forth in this paragraph constitute conclusions of law to which no response is required. To the extent a response is required, BASF denies the allegations in this paragraph.

Further, responding to the unnumbered paragraph beginning “Wherefore,” BASF denies the allegations contained herein, and denies that Plaintiff is entitled to any relief requested.

AFFIRMATIVE DEFENSES

BASF, without assuming the burden of proof on issues for which Plaintiff has the burden of proof, assert the following affirmative defenses to the Complaint:

First Affirmative Defense

The Complaint fails to state a cause of action upon which relief may be granted with respect to BASF.

Second Affirmative Defense

Each of Plaintiff’s claims is barred by the applicable statute of limitations and/or repose and the discovery rule does not apply to toll the statute of limitations.

Third Affirmative Defense

Plaintiff’s claims are barred by the doctrines of res judicata, collateral estoppel, equitable estoppel, judicial estoppel, payment and release, waiver, accord and satisfaction, and/or laches.

Fourth Affirmative Defense

Plaintiff’s damages, if any, were caused by Plaintiff’s and/or Mr. Raymond’s own acts or omissions, including his unforeseeable misuse, unintended use, and/or alteration of the products to which he was allegedly exposed, as well as his failure to comply with applicable warnings, instructions, and directions.

Fifth Affirmative Defense

Plaintiff’s damages, if any, were caused by the acts or omissions of third parties over whom BASF had no control or right of control.

Sixth Affirmative Defense

Plaintiff is barred from recovery, in whole or in part, because of Plaintiff’s and/or Mr.

Raymond's own contributory negligence, comparative negligence, assumption of the risk, and superseding intervening acts.

Seventh Affirmative Defense

Plaintiff's claims are barred, in whole or in part, by the "sophisticated user," "innocent seller," "raw material supplier," "bulk supplier," and "learned intermediary" defenses.

Eighth Affirmative Defense

No act or omission of BASF, alone or in combination, was a proximate cause of any damage allegedly sustained by Plaintiff and/or Mr. Raymond.

Ninth Affirmative Defense

No product manufactured, distributed, or supplied by BASF was defective, unreasonably dangerous, unsuitable for its intended purpose, or sold with inadequate disclaimers, warnings, or instructions. Any alleged defects in BASF's products, the existence of which BASF expressly denies, constitute an inherent characteristic of the product that cannot be eliminated without substantially comprising the product's usefulness and utility.

Tenth Affirmative Defense

Plaintiff's claims are barred, in whole or in part, by failure to mitigate alleged damages.

Eleventh Affirmative Defense

Plaintiff's alleged damages must be reduced by any collateral source payments received.

Twelfth Affirmative Defense

At all times relevant hereto, BASF complied with the state of the art.

Thirteenth Affirmative Defense

At all times relevant hereto, BASF acted properly, reasonably, and with due and reasonable care and did not breach any duties owed to Plaintiff and/or Mr. Raymond.

Fourteenth Affirmative Defense

Plaintiff's claims are preempted by the laws or regulations issued by federal, state, or local governmental authorities or agencies, including, without limitation, those promulgated by the Occupational Safety and Health Administration (OSHA), including 29 C.F.R. § 1910.1200 and 29 C.F.R. § 1910.1028, which preempts any state law claims concerning BASF's labels and warnings.

Fifteenth Affirmative Defense

Plaintiff's claims against BASF are barred, in whole or in part, as a result of BASF's strict compliance with all applicable federal, state, and local statutes, regulations, and ordinances.

Sixteenth Affirmative Defense

Plaintiff's employer's or employers' failure to develop, implement, and maintain an appropriate Hazard Communication Program in accordance with the requirements of 29 C.F.R. § 1910.1200(e) was the sole legal and proximate cause of his alleged injuries and the alleged damages and losses sustained by Plaintiff.

Seventeenth Affirmative Defense

There exists no proximate cause between Mr. Raymond's alleged exposure to any BASF product and the alleged injuries and damages for which Plaintiff seeks in this action.

Eighteenth Affirmative Defense

Plaintiff's claims are barred in whole or in part under the Pennsylvania Products Liability Law.

Nineteenth Affirmative Defense

Plaintiff's claim for punitive damages is barred, in whole or in part, because no alleged act or omission of BASF was actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by such act or omission.

Twentieth Affirmative Defense

Plaintiff's claim for punitive damages is barred in whole or in part because serious harm to the Plaintiff and/or Mr. Raymond was not likely to arise from BASF's alleged conduct.

Twenty-First Affirmative Defense

Plaintiff's claim for punitive damages is barred because BASF's alleged culpability, which is denied, is not so reprehensible as to warrant the imposition of further sanctions to achieve punishment or deterrence, as there is no evidence showing a reckless disregard of the health or safety of others, and the alleged harm was not the result of intentional malice, trickery, or deceit.

Twenty-Second Affirmative Defense

Plaintiff's claims for punitive damages are in contravention of BASF's rights under the Due Process Clause of the Fifth and Fourteenth Amendments of the United States Constitution; the Excessive Fines Clause of the Eighth Amendment of the United States Constitution; the Double Jeopardy Clause in the Fifth Amendment to the Constitution of the United States, similar provisions in the Constitution of Pennsylvania and/or the common law and public policies of Pennsylvania, and/or applicable statutes and court rules, in the circumstances of this litigation.

Twenty-Third Affirmative Defense

The Federal Hazardous Substances Act (FHSA), 15 U.S.C. §§ 1261-1278, and its predecessor, the Federal Hazardous Substances Labeling Act, and the rules and regulations promulgated thereunder, preempt Plaintiff's claims, in whole or in part.

Twenty-Fourth Affirmative Defense

Plaintiff's claims are barred by the exclusive remedies of Pennsylvania Workers Compensation Act.

Twenty-Fifth Affirmative Defense

BASF could not and did not foresee the risks of damages or injuries which the Plaintiff alleges.

Twenty-Sixth Affirmative Defense

BASF owed no contractual obligation or duty, either express or implied, to Plaintiff and/or Mr. Raymond.

Twenty-Seventh Affirmative Defense

BASF denies the existence of any warranties, expressed or implied, with respect to the matters raised in the Complaint.

Twenty-Eighth Affirmative Defense

Plaintiff's alleged damages were caused by Mr. Raymond's pre-existing or unrelated condition, disease, or illness.

Twenty-Ninth Affirmative Defense

This court lacks subject matter jurisdiction over some or all of the claims asserted.

Thirtieth Affirmative Defense

BASF adopts and hereby incorporates all non-duplicative defenses asserted by other defendants, except to the extent they would impose liability on BASF.

Thirty-First Affirmative Defense

BASF intends to rely upon such other defenses as may become available or come to light during the discovery proceedings in this case, which are consistent with the positions taken by BASF in this action. BASF hereby reserves the right to amend this Answer to assert any such defense.

WHEREFORE, BASF request that the Court enter judgment as follows:

- A. Dismissing Plaintiff's Complaint with prejudice with respect to BASF;
- B. Awarding BASF its reasonable attorneys' fees and costs incurred in connection with its defense of this action; and
- C. Awarding BASF such further and additional relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, BASF hereby requests a trial by a jury of 12 jurors on all issues so triable.

Dated: November 20, 2024

/s/ Joshua M. Peles

Joshua M. Peles

Christopher D. Molony

REED SMITH LLP

Three Logan Square

1717 Arch Street, Suite 3100

Philadelphia, PA 19103

(215) 851-8100

jpeles@reedsmith.com

cmolony@reedsmith.com

Charles Stanton Perry

(pro hac vice forthcoming)

REED SMITH LLP

1221 McKinney Street

Suite 2100

Houston, TX 77010

Tel: (713) 469-3800

Fax: (713) 469-3899

sperry@reedsmith.com

Attorneys for Defendant

BASF Corporation

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2024, I caused a true and correct copy of the foregoing Answer to Complaint to be filed and served upon all counsel of record via the electronic court filing (ECF) system for the U.S. District Court for the Eastern District of Pennsylvania and is available for viewing and downloading.

/s/ Joshua M. Peles

Joshua M. Peles